

STATE OF NEBRASKA  
DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF APPLICATION A-18541

WATER DIVISION 1-D

Background

1. On October 10, 2007, Scott S. Thomas filed application A-18541 for a Permit to Impound Water.
2. On February 14, 2008, Scott S. Thomas filed an application for approval of plans for dams and plan P-17182.
3. On October 7, 2008, Scott S. Thomas filed map of reservoir 17298.

Order

IT IS HEREBY ORDERED:

Application A-18541, the application for approval of plans for dams, map of reservoir 17298 and plan P-17182 are APPROVED subject to the following limitations and conditions.

1. The source of water is Plum Creek.
2. The priority date is October 10, 2007.
3. The amount of water that may be diverted shall not exceed 48.0 acre-feet per year to be stored in Thomas Reservoir. This amount is based on a reservoir that stores 0.75 acre-feet, and is filled 64 times per year, for a total of 48.0 acre-feet per year. Thomas Dam will be located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 2, Township 1 North, Range 8 East of the 6<sup>th</sup> P.M. in Gage County.
4. The appropriator must comply with all relevant statutes. This includes, but is not limited to, the following.
  - A. Notify the Department of any change in ownership or address.
  - B. Receive approval prior to taking any action that changes the storage capacity of this reservoir, the specifications, plan P-17182, or the type of appropriation.
  - C. Assume liability for all damages due to leakage, overflow or structural failure of the structure.
  - D. Release a portion of the reservoir inflows for livestock where required, unless appropriator is a political subdivision.

5. The appropriator must comply with the following deadlines.

- A. Construction of the structure must begin within six months of the signing date of this application approval. The appropriator must proceed diligently with the construction unless interrupted by some unavoidable and natural cause.
- B. Construction of the structure must be completed by October 1, 2010.

Additional Information

Failure to comply with all laws and regulations pertaining to surface water appropriations and any orders issued by the Director of the Department of Natural Resources may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

DEPARTMENT OF NATURAL RESOURCES

November 24 , 2008

/s/  
Brian P. Dunnigan, P.E., Acting Director

The applicant and any person with sufficient legal interest who has been or may be substantially affected by this approval may request a contested case hearing in accordance with the Nebraska Administrative Procedures Act (Sections 84-901 et. seq. RSS) and the Department's Rules of Practice and Procedure (454 N.A.C. Chapter 007). The request must be received by the Department at its Lincoln office (301 Centennial Mall South, 4<sup>th</sup> Floor State Office Building, Lincoln, NE 68509-4676) within 30 days of the date of the Approval and be accompanied by a filing fee of \$10.

A copy of this approval was posted on the Department's website. Copies of this approval, map of reservoir 17298 and plan P-17182 were provided to the Department's field office in Lincoln, Nebraska. Copies of this approval, map of reservoir 17298 and plan P-17182 were mailed on November \_\_\_\_\_, 2008, to the following:

Scott S. Thomas  
42322 South 176<sup>th</sup> Road  
Liberty, Nebraska 68381